IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.3042 OF 2005

Parshuram Gangaram Kore & Anr. ...Applicants
vs.
State of Maharashtra ...Respondent

Mr.M.R.Deshpande for the Applicant
Mr.K.V.Saste,A.P.P. for State

CORAM: A.S.OKA,J.
DATE : JUNE 9,2005.

P.C.:

1. Heard Counsel appearing for the parties. A case has been registered against the Applicant for offences punishable under Section 304 read with Section 34 of Indian Penal Code with Akkalkot South Police Station, District Solapur. A complaint is filed by one Parmeshwar alleging that the Applicants illegally connected their wire fencing with electricity connection and on 1st April 2005 at about 7.30 p.m. one Rajshekhar Javalgi died due to electric shock of the said wire fencing. An Application for bail made by the Applicants has been rejected by the learned Second Additional Sessions Judge, Solapur. The learned Additional Sessions Judge observed that the investigation was still in progress and the allegations against the Applicants are very serious in nature. The learned Sessions Judge observed that since the investigation was in progress and was at the initial stage this was not a fit case where the Applicants can be enlarged on bail.

2. The learned A.P.P. on instructions states that now the charge sheet has been filed. The defence of the Applicants appears to be that at highest the incident is the result of a

pure accident. The allegation against the Applicants is that the electricity current was passing through the wire fencing erected by the Applicants and the deceased died due to the electric shock when he touched the wire fencing. The learned Sessions Judge rejected the application mainly on the ground that the investigation was in progress. Now the investigation is complete. Considering the nature of the allegation against the Applicants, no purpose will be served by keeping the Applicants in custody especially when investigation is over.

In my view a case for grant of bail is made out.

3. Hence I pass the following order :

i) The Applicants shall be enlarged on bail in connection with C.R.No.19 of 2005 registered with Akkalkot Police Station, Solapur.

ii) The Applicants will have to furnish P.R.Bonds in the sum of Rs.5000/- (Rupees five thousand) each with two local sureties in the like amount. The bail is granted subject to condition that the Applicants will not leave District Solapur without permission of the Trial Court and will not make any direct or indirect attempt to influence or pressurise the prosecution witnesses in any manner. The Applicants will also cooperate with the learned Trial Judge for expeditious disposal of the trial. Any effort on the part of the Applicants to delay the trial can be a ground for cancellation of the bail.

JUDGE